

LEE LITIGATION GROUP, PLLC

148 WEST 24TH STREET, EIGHTH FLOOR
 NEW YORK, NY 10011
 TEL: 212-465-1180
 FAX: 212-465-1181
 INFO@LEELITIGATION.COM

Via ECF

Hon Mary Kay Vyskocil, U.S.D.J.
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

June 26, 2025

Re: *Carrasquillo v. Westech Security and Investigation Inc.*
 Case No.: 1:23-cv-4931-MKV

Dear Judge Vyskocil:

We represent Plaintiff in the above-referenced action. We write to request that Your Honor sanction Defendants \$100 per weekday beginning on July 3, 2025, until Defendants produce the collective employee contact list, as Ordered by the Court on June 2, 2025 (*See* Dkt. No. 82).

On June 2, 2025, the Court granted Plaintiff's Motion for Conditional Collective Certification (Dkt. No. 82), and on June 10, 2025, the Court approved distribution of Plaintiff's revised notice and consent to sue forms (Dkt. No. 84). Consistent with these orders, Plaintiff requested Defendants produce the collective employee contact list for all security guards employed by Defendants from October 18, 2021 to the present, including the names, dates of employment, addresses, mobile telephone numbers, email addresses, titles, and compensation rates of potential collective employees (*See* Dkt. No. 83).

On June 10, 2025, we informed all Defendants by email and first-class mail of the Court's Order to produce the collective employee contact list. On June 24, 2025, we spoke with Defendants' counsel over phone and text and confirmed that Defendants received and read Plaintiff's request. As of the date of this letter, we have not received the collective employee list, nor have we received any indication of when the collective employee list will be provided.

In the event that Defendants do not produce the discovery by July 2 (30 days from the Court's Order), sanctions are appropriate in the amount of \$100 per weekday beginning on July 3, 2025, until the employee list with contact information is produced. *See Avila v. Ardian Corp.*, (1:18-cv-4795- FB-TAM (E.D.N.Y.), Order at ECF No. 85). In *Avila*, defendants repeatedly failed to produce the collective list, and, as a result, Judge Merkl ordered sanctions in the amount of \$100 per day until the collective list was produced. It was only after sanctions were ordered that defendants ultimately produced the collective list. Given the history of this litigation, it is unlikely that Defendants will follow the Court's Order and produce the required discovery, absent further Court intervention.

We thank the Court for considering this matter.

Respectfully submitted,

/s/ C.K. Lee, Esq.

Plaintiff's request for sanctions is DENIED without prejudice to renewal if Defendants do not produce the previously Ordered information [ECF No. 82] to Plaintiff by July 2, 2025. If the information is not produced by such date Defendants are at risk of sanctions. Plaintiff's letter also indicates that Defendants have obtained counsel. Counsel for Defendants must enter an appearance on the docket on or before July 2, 2025.

SO ORDERED.

Date: 6/30/2025
 New York, New York

Mary Kay Vyskocil
 Mary Kay Vyskocil
 United States District Judge